

Attorney's Docket No.: GPSPriv/CP-D1
Client's Ref. No.: 10/714,096

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Claims 1-16, and 30-42 stand rejected provisionally over claims 1 through 20 of application number 09/682, 600, or over claims 1-2 and 4 of US patent number 6, 700, 534. Initially, 09/682, 600 has issued as US patent number 6, 700, 534. Therefore, the rejection over the application is respectfully traversed, since that application has now issued as a patent.

The rejection over 6,700,534 is respectfully traversed. MPEP 804 states the tests for obviousness-type double patenting. The test for obvious-type double patenting is whether the claims are patentably distinct. According to MPEP 804, the question is whether the claim in the application would have been an obvious variation of the previous claims.

In the 6,700,534 patent, claim 1 requires a position blocking part that forms false information. This is not defined by any of the elected claims in this case. Claim 2 of 6,700,534 further defines a position blocking part. Claim 4 defines that at least one of the items of information is information from a local transponder. All claims that define such a transponder are cancelled to obviate the rejection. Accordingly, the claims are distinctly different, and are not obvious variations of one another. For these reasons, the double patenting rejection is respectfully traversed.

Claims 1-16 and 30-42 stand rejected as allegedly being unpatentable over either Kuzunuki or Neher. This contention is respectfully traversed, and for reasons set

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forth herein, it is respectfully suggested that the rejection misapprehends the scope of claims and the references, and hence does not provide an appropriate prima facie showing of unpatentability.

Kuzunuki teaches a system where multimedia information is delivered based on various things including position. Admittedly, position is used to determine the delivery of multimedia information. However, this is very different than what is claimed. Claim 1 defines that the portable computer acquires information sensed by the location detection part and communicates it to a remote server. Current position information "indicative of the user's current position... is based on said information from said remote server". Accordingly, the information about the position is sent to the remote server. The server sends back position information.

This is very different than what is taught or suggested by Kuzunuki or Neher. Kuzunuki teaches that the positioned detecting device 10-9 and 10-4 detect the position, and the position is communicated to the information delivery server 50. The information delivery server 50 may use the detected position information, but it does not send "position information... based on said information from said remote server" as claimed. The information sent by the information server 50 is not "position information" as claimed.

Similarly, Neher does not teach or suggest sending back position information from the remote server. This is perhaps most clear from column 6 paragraph 91 which states that the location information is reported to the central station. Since the location information itself is reported, it stands to reason that it makes no sense for the position

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information to be sent back "based on information from said remote server" as defined by claim 1.

The dependent claims should be allowable for reasons discussed above with respect to the respective independent claims. Claim 3, for example, specifies the form being XML which is not taught or suggested by the cited prior art. Claim 5 defines that the time since the current information is acquired is one of the items of information; again not taught or suggested by the cited prior art. Claim 6 excludes satellite positioning signals, and all of the cited prior art uses such satellite positioning signals. Claim 7 further defines the operation at the remote, not taught or suggested by the cited prior art. Claim 8 defines the environmental clues which are not suggested by the cited prior art. Claim 10 defines that the visual information is one of those items of information, claim 11 defines sounds as one of the items of information. All of this is completely unsuggested by the cited prior art.

Claim 30 further defines sending information about the local area to the remote server, and returning information indicative of a position of the local area to a client. This claim should be allowable for reasons discussed above along with the claims that depend therefrom.

Claims 1-16 and 30-42 stand alternatively rejected based on Maeda or McMahon. These claims are analogously allowable over the cited prior art for similar reasons to those discussed above.

However, these rejections are respectfully traversed for analogous reasons. McMahon shows a system in which the ephemera this information is converted into almanac information see generally column 7 lines 40-53. The mobile terminals still

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determines its position and reports that position to the remote server. The mobile device does not receive its information about its position from the remote server, as required by the claims such as claim 1.

Maeda teaches a system in which the terminal unit measures its own location, see column 4, lines 57-58. The positional information, once obtained, is transmitted by the unit 23 see generally column 4 line 61. Nowhere is there any teaching or suggestion of sending the information to a remote server and getting back position information as claimed. Nor is there any teaching or suggestion of the dependent claims. For these reasons, each of the claims should be allowable.

Claim 30 defines this operation even more explicitly, specifically that information about the local area is acquired at the local area, sent to the remote server which calculates a position of the local area and returns that information to a client in the local area. This is nowhere taught or suggested by the cited prior art, and claim 30 should hence be allowable along with the claims which depend therefrom. Claim 36 should be allowable for analogous reasons. Claims like claim 39 should also be allowable, since they define the environmental clues which are not taught or suggested by the cited prior art.

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Respectfully submitted,

Date: January 9, 2005

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